

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 6:07cr95(7) LED-JDL
	§	
LARRY DONELL GEORGE.	§	

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On March 2, 2015, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

On March 31, 2009, Defendant pled guilty before U.S. District Judge Leonard Davis to the offense of Possession with Intent to Distribute Cocaine Base; a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The United States Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of VI, was 110 to 137 months. Defendant was sentenced to 137 months of imprisonment, followed by a 4 year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug treatment and testing. On February 23, 2012, Defendant's sentence was reduced to 77 months imprisonment subject to the original terms of supervised release. Defendant completed the term of imprisonment and began his period of supervised release on January 3, 2014. On August 19, 2014, Defendant's supervised release conditions were modified to include alcohol abstinence.

Under the terms of supervised release, Defendant, in pertinent part, was to refrain from the use of alcohol. In its petition, the government alleges that Defendant violated the terms of

supervised release when he submitted a positive alcohol breath test on January 28, 2015, and admitted to alcohol use on or about January 24, 2015 and January 27, 2015.

Should the Court find by a preponderance of the evidence that Defendant violated the conditions of supervised release by using alcohol on or about January 24 and 27, 2015, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may revoke or extend a term of supervision and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of VI, the Guideline imprisonment range for a Grade C violation is 8 to 14 months. U.S.S.G. § 7B1.4(a).

At the March 2, 2015 hearing, Defendant pled true to the allegations above. The government recommended that Defendant Larry Donell George be committed to the custody of the Bureau of Prisons for 7 months imprisonment with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Larry Donell George be committed to the custody of the Bureau of Prisons for 7 months imprisonment with no supervised release to follow. Defendant is instructed to report to the U.S. Marshall on March 17, 2015.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 11th day of March, 2015.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE